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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yamazaki, et al. Art Unit : 2813  
Serial No. : 09/898,986 Examiner : Laura Schillinger  
Filed : July 3, 2001  
Title : SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING  
SAME

## **MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit : 2813  
Examiner : Laura Schillinger

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**PETITION UNDER 37 CFR §1.137(a)**

## TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

Pursuant to 37 CFR §1.137(a) and in response to the Notice of Abandonment mailed December 1, 2003, applicant hereby petitions to revive the abandoned application. The application was abandoned for failure to respond to the Advisory Action dated July 25, 2003. Applicant, however, submits that any delay was unavoidable.

Upon receipt of the July 25, 2003 Advisory Action, applicants' representative conducted a telephone interview with Examiner Laura Schilling. During the interview, an agreement was reached, between the Examiner and applicants' representative, to issue a new action, withdrawing the finality of the action dated March 13, 2003 and thereby setting a new, corresponding time period for response thereto, as well as an interview summary form memorializing the above agreement.

Subsequently, during several telephone conversations, the Examiner related to the applicants' representative that the above-identified application had been lost within the U.S. Patent and Trademark Office. The attached Patent Application Information Retrieval printout evidences the loss of the file. As a result of the loss of the file, the Examiner stated that she was unable to issue either the interview summary form or the new office action. However, the Examiner stated that these items would be issued immediately upon location of the file.

The file was located on November 26, 2003 and shortly thereafter, a Notice of Abandonment was issued by the Examiner. During the subsequent telephone conversation

Applicant : Yamazaki, et al.  
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Attorney's Docket No. 07977-163003 / US3375D1D1

between the Examiner and applicant's representative, the Examiner agreed that the Notice of Abandonment was issued in error.

Accordingly, the Examiner agreed that the Notice of Abandonment should be withdrawn so that the interview summary form and the new office action could be issued. The Examiner further indicated that, based on the circumstances as described above, any delay by applicant in responding to the action dated July 25, 2003 was unavoidable. As a result, the Examiner indicated that the Notice of Abandonment should be withdrawn and that no fee would be due in association with the filing if this petition.

Therefore, applicant requests that the abandonment be withdrawn and that the enclosed Patent Application Information Retrieval printout along with this petition be accepted as a response to the Notice of Abandonment mailed December 1, 2003. A copy of the response to the action dated March 13, 2003 is also enclosed for the Examiner's convenience.

No fee is believed to be due in connection with the filing of this petition. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: December 18, 2003

  
\_\_\_\_\_  
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FEB 17 2004  
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DATE : 01/16/04

TO : SPRE 2813 (or Ex. Laura Schillinger)

VIA : TC Art Unit 2813

FROM : Christina Donnell

SERIAL NO : 09/898, 986

Note  
Petition has  
not been  
scanned  
yet

Please consider Paper No. \_\_\_\_\_ to see if the proposed response would place this application in condition for allowance in the event it is revived.

If the response would place the application in condition for allowance, write in the margin of the response "Ok to enter upon revival."

If the response would not place the application in condition for allowance, complete Form PTOL-303, but do not mail the form to the applicant.

PLEASE HAND CARRY THE FILE TO FOUR CRYSTAL PLAZA, SUITE 3C23 WITHIN ONE WEEK OF THE ABOVE DATE.

Please consider the petition Paper No. \_\_\_\_\_ as a Petition to Withdraw the Holding of Abandonment in view of the statements presented by petitioner that a response was timely filed. If the request is granted, the petition fee should be refunded to petitioner. If the request is not granted, please forward the application to the Office of Petitions, Crystal Plaza Four, Suite 3C23 for consideration of the alternative Petition to Revive.

Christina L. Donnell  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects



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## Search results for application number: 09/898,986

Application Number:	09/898,986	Customer Number:	-
Filing or 371(c) Date:	07-03-2001	Status:	Abandoned -- Fail Respond to an Of Action
Application Type:	Utility	Status Date:	12-01-2003
Examiner Name:	SCHILLINGER, LAURA M	Location:	TECH CENTER 28 EXAMINER OF RE
Group Art Unit:	2813	Location Date:	12-11-2003
Confirmation Number:	3065	Earliest Publication No:	US 2001-0048115
Attorney Docket Number:	07977/163003/US3375D1D1	Earliest Publication Date:	12-06-2001
Class/ Sub-Class:	438/151	Patent Number:	-
First Named Inventor:	Shunpei Yamazaki, Tokyo, (JP)	Issue Date of Patent:	-
Title Of Invention:	Semiconductor device and method of manufacturing the same		

Foreign Priority

Continuity Data

## File Contents History

Number	Date	Contents Description
26	12-01-2003	Mail Abandonment for Failure to Respond to Office Action
25	12-01-2003	Abandonment for Failure to Respond to Office Action
24	11-26-2003	File Marked Found
23	09-05-2003	File Marked Lost
22	07-25-2003	Mail Advisory Action (PTOL - 303)
21	07-23-2003	Advisory Action (PTOL-303)
20	07-19-2003	Date Forwarded to Examiner
19	07-11-2003	Amendment after Final Rejection
18	07-11-2003	Request for Extension of Time - Granted
17	03-13-2003	Mail Final Rejection (PTOL - 326)
16	03-10-2003	Final Rejection
15	12-27-2002	Date Forwarded to Examiner
14	11-22-2002	Response after Non-Final Action
13	11-22-2002	Information Disclosure Statement (IDS) Filed
12	08-14-2002	Mail Non-Final Rejection
11	08-12-2002	Non-Final Rejection

10	07-23-2002	Date Forwarded to Examiner
9	07-01-2002	Response to Election / Restriction Filed
8	05-30-2002	Mail Restriction Requirement
7	05-29-2002	Requirement for Restriction / Election
6	07-03-2001	Preliminary Amendment
5	10-18-2001	Case Docketed to Examiner in GAU
4	08-23-2001	Application Dispatched from OIPE
3	08-22-2001	Correspondence Address Change
2	07-16-2001	IFW Scan & PACR Auto Security Review
1	07-03-2001	Initial Exam Team nn

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